

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

OPTI INC.,

*Plaintiff,*

v.

VIA TECHNOLOGIES, INC. AND  
VIA TECHNOLOGIES, INC. (TAIWAN),

*Defendants.*

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Civil Action No. 2:10-cv-00279-JRG

Jury Trial Demanded

**VIA TECHNOLOGIES, INC. AND VIA TECHNOLOGIES, INC. (TAIWAN)'S  
NOTICE OF APPEAL**

Notice is hereby given that VIA Technologies, Inc. and VIA Technologies, Inc. (Taiwan) (collectively, "VIA"), Defendants in the above named case, hereby appeal to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action in the United States District Court for the Eastern District of Texas on September 9, 2013 (Dkt. No. 308), and from any and all judgments, orders, opinions, and findings pertinent or ancillary to the foregoing, including all interlocutory orders that gave rise to that judgment, including, without limitation:

- (1) Memorandum and Opinion Order (Court's Order Regarding Claim Construction) (Dkt. No. 150);
- (2) Order (Court's Order Regarding Motions in Limine) (Dkt. No. 243);
- (3) Order (Court's Order Regarding VIA's Daubert Motions and Motion for Summary Judgment) (Dkt No. 254);
- (4) Jury Instructions (5/31/13, Morning Session, pp. 18- 56);
- (5) Verdict Form (shown in Dkt. No. 274); and

(6) Memorandum and Opinion Order (Court's Order Regarding VIA's Laches and Equitable Estoppel Defenses) (Dkt No. 303).

Payment of the required fee of \$455, representing the \$450 fee for docketing a case on appeal specified in 28 U.S.C. § 1913, and the filing fee for filing a notice of appeal specified in 28 U.S.C. § 1917, is being paid contemporaneously with the filing of this Notice of Appeal to the Clerk of this Court pursuant to Fed. R. App. P. 3(e).

Dated: September 20, 2013

Respectfully submitted,

**BUETHER JOE & CARPENTER, LLC**

By: /s/ Brian A. Carpenter

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**ATTORNEYS FOR DEFENDANTS  
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VIA TECHNOLOGIES, INC. (TAIWAN)**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 20th day of September, 2013. Any other counsel of record will be served by facsimile transmission and first class mail. Furthermore, in compliance with Fed. R. App. P. 3(a)(1), a sufficient number of hard copies of this notice are being mailed by first class mail to the Clerk of the Court so that all counsel of record may be served.

/s/ Brian A. Carpenter

Brian A. Carpenter